

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TIMOTHY MCCLEARY,	:	1:15-cv-172
	:	
Plaintiff,	:	
	:	Hon. John E. Jones III
v.	:	
	:	Hon. Gerald B. Cohn
CAROLYN COLVIN, Acting	:	
Commissioner of Social Security,	:	
	:	
Defendant.	:	

**ORDER**

**February 29, 2016**

**AND NOW**, upon consideration of the Report and Recommendation of United States Magistrate Judge Gerald B. Cohn (Doc. 18), recommending that the Commissioner's final decision denying Timothy McCleary's application for benefits be affirmed and the appeal be denied, and, after an independent review of the record, and noting that the Plaintiff filed objections,<sup>1</sup> to which the Commissioner responded (Docs. 19 and 20) and the Court finding Judge Cohn's

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<sup>1</sup> Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. *Supinski v. United Parcel Serv.*, Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing *Sample v. Diecks*, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" *Id.* (citing *Shields v. Astrue*, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

analysis to be extremely thorough, well-reasoned, and fully supported by the record, and the Court further finding Plaintiff's objections to be without merit<sup>2</sup> and squarely addressed by Judge Cohn's report **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation of Magistrate Judge Cohn (Doc. 18) is **ADOPTED** in its entirety.
2. The Clerk of Court shall enter judgment in favor of the Commissioner and against Timothy McCleary as set forth in the following paragraph.
3. The decision of the Commissioner of Social Security denying Timothy McCleary disability insurance benefits is affirmed.
4. The Clerk of Court shall **CLOSE** this case.

s/ John E. Jones III  
John E. Jones III  
United States District Judge

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<sup>2</sup> We have considered the Plaintiff's objections, however, nothing contained therein causes us to part with the Magistrate Judge's sound reasoning and conclusions. Moreover, we note that the objections filed by Plaintiff are essentially recitations of the arguments made by him before the Magistrate Judge, thus we are not presented with any new arguments in consideration of the matter *sub judice*.